

REMARKS

Claims 1 and 7 are amended to more clearly reflect that when the loader/attachment assembly is provided in a storage position, the loader/attachment assembly has a center of gravity located over the bucket. This feature of the invention is shown in Figure 2 and is explained in the above-identified patent application at page 8, line 26 through page 9, line 10. The storage position is shown in the context of Figure 2 where the bucket face opening 90 is resting on the ground and the loader assembly 20 is provided extending above the ground so that the loader/attachment assembly can be conveniently attached to a tractor as shown, for example, in Figure 3. Claims 1 and 7 are additionally amended to correct antecedent so that the claims refer to a "loader/attachment assembly" rather than a "loader/bucket assembly."

In view of the above comments, no new matter is introduced by the amendment and entry thereof is requested. Upon entry, claims 1-15 are active in the application.

The indication in the outstanding Office Action that claims 14 and 15 are allowed is appreciated. In addition, the indication that claims 2, 6, and 9-11 are objected to but would be allowable if rewritten in independent form is appreciated.

The Office Action includes two prior art-based rejections. Claims 1, 4, 7, and 8 stand rejected under 35 U.S.C. §103(a) over *Frank* (U.S. Patent No. 4,033,469). Claims 5 and 13 stand rejected under 35 U.S.C. §103(a) over *Frank* and *Rae et al.* (U.S. Patent No. 5,232,330). These rejections are traversed.

The present invention is directed at a loader/attachment assembly (independent claim 1) and a combination motor vehicle and loader/attachment assembly (independent claim 7). The loader/attachment assembly includes a bucket and a loader assembly. The loader/attachment assembly is constructed so that when the loader/attachment assembly is provided in a storage position as shown, for example, in Figure 2 of the above-identified patent application, the face of the bucket rests on the ground and the loader assembly extends off of the ground and the center of gravity of the loader/attachment assembly is located over the bucket. By locating the center of gravity over the bucket, the loader/attachment assembly remains relatively stable in a storage position and there is no need to utilize a stand for supporting the loader assembly.

Frank discloses a tractor having a loader and bucket that includes a stand for supporting the loader when provided in a storage position. *Frank* refers to the stand at reference number 30.

See *Frank* at column 2, lines 6-11, and Figure 1. Furthermore, as shown in Figure 1, the bucket is not resting on its face when the bucket and loader are provided in a storage position.

The outstanding Office Action states that "the bucket in *Frank* figure 5 could be lowered to rest on its opening." This is not necessarily true. By retracting the power cylinders 26 (in Figure 5 of *Frank*) it is expected that the bucket 14 will interfere with the front of the tractor or at least with the stand 30. The Examiner's attention is directed to Figures 1 and 2 of *Frank*. Although the bucket 14 is shown in Figure 5 in a dumping position, the outstanding Office Action fail to explain how the bucket face opening can rest on the ground. It is submitted that the Applicants are the first to provide a front end loader having a bucket attached thereto wherein the face of the bucket can rest on the ground and the loader can extend from the bucket, detached from the tractor, without the use of a stand to support the front end loader.

Even if the statement in the outstanding Office Action that "the bucket in *Frank* figure 5 could be lowered to rest on its opening" is correct, it is submitted that the resulting construction would certainly tip over if it were detached from the tractor. Nowhere does *Frank* disclose or suggest constructing the loader and bucket so that the center of gravity is provided over the bucket according to the present invention. Furthermore, there would be no reason to design the loader and bucket according to *Frank* so that when the face of the loader bucket is resting on the ground and the loader is detached from the tractor, the center of gravity rests over the bucket. The bucket and loader according to *Frank* is intended to utilize a stand 30 as shown in Figure 1 when the loader and bucket are provided in a storage position.

In view of the above comments, one having ordinary skill in the art would not have received the suggestion to modify *Frank* to achieve a loader/attachment assembly according to the present invention.

It is submitted that *Rae et al.* would not have suggested modifying *Frank* to achieve the present invention. *Rae et al.* are directed at a structure for mounting hydraulic hoses to a loader. See *Rae et al.* at column 1, lines 6-8. In addition, *Rae et al.* disclose a loader 12 having a parking stand 43 pivotally connected to the boom arms 28 as shown in Figures 1 and 3. See *Rae et al.* at column 3, lines 22-29. Clearly, the loader 12 is intended to rest in a storage position as shown in Figure 3. The bucket is not intended to rest on its face in a storage position, and clearly a center of gravity of the bucket and loader would not be located over the bucket.

In view of the above comments, one having ordinary skill in the art would not have received the suggestion to modify *Frank* in view of the teachings of *Rae et al.* to achieve the present invention. Both *Frank* and *Rae et al.* describe loaders that utilize a stand for supporting the loader in a storage position. *Frank* and *Rae et al.* fail to disclose a loader/attachment assembly according to the present invention that, when provided in a storage position, includes a bucket face resting on the ground and a center of gravity that extends over the bucket.

The outstanding Office Action includes a rejection of claims 3 and 12 under 35 U.S.C. §112, second paragraph. In view of the above amendment, it is believed that this amendment will be withdrawn.

Claims 3 and 12 clearly provide that "the loader/attachment assembly does not include a stand for supporting the loader/attachment assembly." By providing the center of gravity of the loader/attachment assembly over the bucket, a separate stand is not necessary to support the loader/attachment assembly in a storage position. Accordingly, it is appropriate for claims 3 and 12 to characterize the absence of a stand. It is precisely a stand that is described by *Frank* and *Rae et al.* Accordingly, characterizing the absence of a stand clearly differentiates the claimed invention from *Frank* and *Rae et al.*

The Examiner's attention is directed to MPEP 2173.05(i) that states that "there is nothing inherently ambiguous or uncertain about a negative limitation." In the case of claims 3 and 12, the negative limitation is clear, and is supported by the specification.

In view of the above amendments, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is requested.

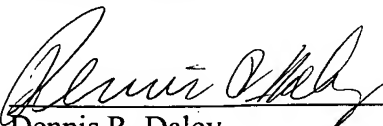
It is believed that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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